IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6564 OF 2005

Shaukat Mohammed Haju ...Applicant
vs.
State of Maharashtra & Another ...Respondents

Mr.S.V.Marwadi for the Applicant
Ms Rajeshree Gadhvi,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 10,2005

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for state. The offence alleged against the Applicant is under Section 3(2) (d) read with Section 7 of the Essential Commodities Act. The Advocate for the Applicant submitted that accused No.1 in this case Gajanan has been granted anticipatory bail by the Sessions Court. He submitted that the shop from which Kerosene is allegedly loaded in the trucks stands in the name of said Gajanan. In fact under the order of this Court the State Government has been directed to release the quota of Kerosene in favour of the Accused No.1. He submitted that apart from ground of parity there is absolutely no material on record save and except the statement of the co-accused Thakur and therefore the Applicant is entitled to be enlarged on bail. The learned A.P.P. opposed the application by showing relevant material on record.

2. In my view the claim for anticipatory bail on the ground

of parity cannot be considered as according to the case of the prosecution, though the authorization for ration shop stands in the name of co-accused, it was the applicant who was running the shop. Apart from that Kerosene was found to be loaded in the vehicle standing in the name of the son of the Applicant. Apart from the fact that there are statements of the eye witnesses, similar offence has been registered against the Applicant in July 2005. In this view of the matter, Applicant is not entitled to be enlarged on anticipatory bail. Application is rejected.

3. At this stage, the learned Advocate for the Applicant seeks time to surrender. The said prayer is opposed by the learned A.P.P. Time is granted to the Applicant to surrender before the Investigating Officer till 14th October 2005.

4. It is obvious that if application for regular bail is made by the Applicant, the same will be decided on its own merits without being influenced by the tentative observations made in this order.

JUDGE